

UNITED STATES SOUTHERN DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ILEEN LABOY,

**JOINT PROPOSED
CASE MANAGEMENT PLAN**

Plaintiff,

Docket #07CV2984(RH)

-against-

PATHMARK STORES, INC.,

Defendant.
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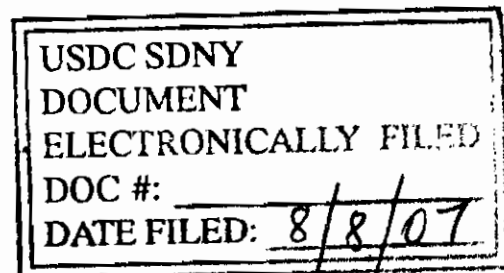
Defendant, PATHMARK STORES, INC., by their attorneys KRAL CLERKIN
REDMOND RYAN PERRY & GIRVAN, LLP hereby provides the following Joint Proposed
Scheduling Order required by the Honorable Richard Howell.

A. Description of the Case

- i. Identify the attorneys of record for each party; including lead trial attorney;

Counsel for plaintiff
Frank Torres, Esquire
Levine & Grossman, Esqs.
114 Old Country Road
Mineola, New York 11501
(516) 248-7575

Counsel for defendant
John J. Ullrich, Esquire
Kral Clerkin Redmond Ryan
Perry & Girvan, LLP
69 East Jericho Tpke.
Mineola, New York 11501
(516) 742-3470



ii. State the basis for federal jurisdiction;

The basis of subject matter jurisdiction was initially based on diversity jurisdiction claimed pursuant to 28 USC 1332 inasmuch as plaintiff initially demanded an amount of \$1,000,000 in damages. The plaintiff was and is a resident of the State of New York and resides in Bronx County. The defendant, at the time the action was commenced was and is still corporation organized under the laws of the State of Delaware, having its principal place of business in the State of New Jersey.

iii. Briefly describe the claims asserted in the complaint and any counterclaims:

Plaintiff has alleged in their complaint that the accident occurred on July 16, 2006 when plaintiff was a lawful patron, guest or invitee on Pathmark's premises, located at 961 East 174th Street, in Bronx, New York. Plaintiff's complaint asserts allegations that Pathmark Stores Inc. was negligent in operating maintaining, managing and controlling their premises. As a result thereof, plaintiff has allegedly sustained severe personal injuries, including physical pain and mental anguish for which she received medical care and treatment. There are no counterclaims asserted against plaintiff in this matter.

iv. State the major legal and factual issues in this case; and

Whether or not defendant Pathmark Stores Inc. was negligent in their ownership, operation, maintenance and control of the premises located at 961 East 174th Street, Bronx, New York? Whether or not the alleged negligence caused plaintiff's injuries?

v. Describe the relief sought.

Plaintiff's response to Pathmark Stores Inc.'s Supplemental Demand for Damages sets forth \$1,000,000 in damages as a result of this incident.

B. Proposed Case Management Plan

i. Identify all pending motions:

There are no pending motions.

ii. Propose a cut off date for joinder of additional parties:

October 1, 2007.

iii. Propose a cutoff date for amendments to pleadings:

October 1, 2007.

iv. Propose a schedule for completion of discovery, including:

a. A date for Rule 26(a)(1)

Automatic Disclosures have been completed.

b. A fact discovery completion date:

Feb. May 1, 2008.

c. A date for Rule 26(a)(2) disclosures:

March ~~July~~ 1, 2008.

d. An expert discovery completion date, including dates for Delivery of expert reports:

April August 1, 2008.

v. Propose a date for filing dispositive motions:

March June 1, 2008.

vi. Propose a date for filing a final pretrial order:

May September 1, 2008

vii. Propose a trial schedule, indicating:

a. Whether a jury trial is requested;
A jury trial is requested by defendant Pathmark Stores Inc.

b. The probably length of trial; and
A probable length of trial would be 5 days.

c. When the case will be ready for trial.
It is anticipated that the case will be ready for trial in *June* ~~November~~ 2008.

C. Consent to Proceed Before a Magistrate Judge. Indicate whether the parties consent unanimously to proceed before a Magistrate Judge.

At this time, the parties have not consented to proceed before a Magistrate Judge pursuant to 28 U.S.C. Section 636 (c)

D. Status of Settlement Discussions.

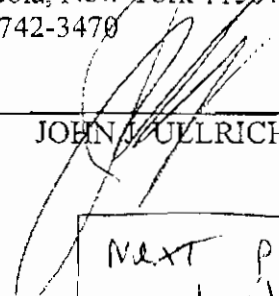
- i. Indicate whether any settlement discussions have occurred; None
- ii. Describe the status of any settlement discussions; and No discussions have taken place at this time.
- iii. Whether parties request a settlement conference. None Requested at this time.

Dated: Mineola, New York
July 30, 2007

*A status conference
shall be held on
February 29, 2008
at 10:00.*

Yours, etc.,

KRAL, CLERKIN, REDMOND, RYAN,
PERRY & GIRVAN, LLP
Attorneys for Defendant
Office & P.O. Address
69 East Jericho Turnpike
Mineola, New York 11501
516-742-3470

BY: 
JOHN A. ULLRICH (4913)

SU ORDERED

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USDJ

TO: LEVINE & GROSSMAN 8/3/07
Attn: Frank Torres
Attorneys for Plaintiff
114 Old Country Road
Mineola, New York 11501
(516) 248-7575

*NEXT pte
2/29/08 (3) 10:00 am*